

1 BUCHALTER NEMER
A Professional Corporation
2 PETER G. BERTRAND (#87883)
RICHARD C. DARWIN (#161245)
3 333 Market Street, 25th Floor
San Francisco, California 94105-2126
4 Telephone: (415) 227-0900
Facsimile: (415) 227-0770
5 rdarwin@buchalter.com

6 Attorneys for Defendant
COMERICA BANK
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION
10

11 ROBERT PRITIKIN, et al.,
12 Plaintiffs,
13 v.
14 COMERICA BANK, et al.,
15 Defendants.
16

CASE NO. CV 09-03303 JF

**ERRATA TO DEFENDANT COMERICA
BANK'S REPLY BRIEF IN SUPPORT OF
MOTION TO DISMISS**

Date: October 30, 2009
Time: 9:00 a.m.
Dept.: Honorable Jeremy Fogel

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18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 **PLEASE TAKE NOTICE THAT** Defendant Comerica Bank's Reply Brief in Support
20 of Motion to Dismiss contains the following errors:

21 Page 3, lines 7-8: "*Ashcroft v. Iqbal*, ____ U.S. ____, 129 D. Ct. 1937 (2009)." ***should***
22 ***be*** "*Ashcroft v. Iqbal*, 556 U.S. ____, 129 S. Ct. 1937 (2009)."

23 Page 3, line 28: "____ 129 S.Ct. at ____." ***should be*** "129 S.Ct. at 1953."

24 Page 4, line 11: "1951, 1954" ***should be*** "1952, 1954."

25 Page 4, line 16: "129 S.Ct. at **1944-45" ***should be*** "129 S.Ct. at 1949."

26 Page 5, line 20: "Oppo. Page 17:3-7." ***should be*** "Opp. at 17:3-7."

27 Page 5, line 25, footnote 3: "Oppo. P. 19:16-18" ***should be*** "Opp. at 19:16-18."

28 Page 6, lines 26-28, footnote 6: "Plaintiffs' assertion that many of the exhibits

Comerica's RJN do not identify Comerica as a specific target misses the point in that there were on notice of Four Star's wrongdoing and their injury. Moreover, a Ponzi scheme, by definition, involves the movement of money. Thus, one of the first places one would look to analyze any such scheme would be the banking records. Therefore, Plaintiffs had notice the wrongdoing, injury and identity of possible defendants over six years before this action is filed." ***should be*** "Plaintiffs' assertion that many of the exhibits Comerica's RJN do not identify Comerica as a specific target misses the point in that they were on notice of Four Star's wrongdoing and their injury. Moreover, a Ponzi scheme, by definition, involves the movement of money. Thus, one of the first places one would look to analyze any such scheme would be the banking records. Therefore, Plaintiffs had notice of the wrongdoing, injury and identity of possible defendants over six years before this action was filed."

Page 7, line 18: "*Fox*, 35 Cal.4th at 921" ***should be*** "*Fox*, 35 Cal.4th at 808."

Page 7, line 19: "(emphasis in original)" should be deleted.

Page 11, lines 22-23: "*Grimmett v. Brown*, 75 F.3d 506, 512 (9th Cir. 1995)" ***should be*** "*Grimmett v. Brown*, 75 F.3d 506, 510 (9th Cir. 1995)."

Page 12, line 3-4: "*Grimmett*, 75 F.3d at 512" ***should be*** "*Grimmett*, 75 F.3d at 510."

Page 13, line 5: "Opp., p. 25:19-22." ***should be*** "Opp. at 25:19-22."

Page 13, line 20: "Opp., p. 25:19-22." ***should be*** "Opp. at 25:19-22."

Page 14, line 27, footnote 9: "Opp., p. 8, n.4" ***should be*** "Opp. at 8:25-28, n.4"

Page 17, lines 10-11: "*Cashman v. Astrue*, 2008 WL 2588711 (D. Hawaii, June 27, 2008)" ***should be*** "*Cashman v. Astrue*, No. 07-00560 ACK-BMK, 2008 WL 2588711(D. Hawaii, June 27, 2008)."

Page 19, lines 10-11: "(quoting *Applied Equipment* ..." ***should be***, "(quoting *Applied Equipment*..."

Page 20, line 5: "[CITE?]" ***should be*** "*Casey*, 127 Cal.App.4th at 1153."

Page 22, line 21-22: "*See*, § 104 of PSLRA" ***should be*** "*See*, PSLRA, Pub.L. No. 104-67, § 104, 109 Stat. 737, 757; 15 U.S.C. § 78t(e), 15 U.S.C. § 78u(d)."

Page 22, line 28: Footnote 13 should be deleted.

Page 24, line 12 through page 25, line 6: Both paragraphs should be deleted.

DATED: October 19, 2009

BUCHALTER NEMER
A Professional Corporation

By: /s/ Richard C. Darwin
RICHARD C. DARWIN
Attorneys for Defendant
COMERICA BANK